



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Secretary Of State

TITLE-SERIES: 153-06

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Filing and Formatting Rules and Related
Documents and Other Documents for Publication
in the State Register

CITE STATUTORY AUTHORITY: §§29A-2-6(c), 29A-2-7 et. seq.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/05/2018 12:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Maureen Lewis, WV Secretary of State's Office

ADDRESS: Building 1 Suite 157K, State Capitol Complex
Charleston, WV 25305

EMAIL: mlewis@wvsos.com

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule establishes the processes for filing and formatting all rule types and related documents in the Secretary of State's office, and processes for filing other documents for publication in the State Register.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

This rule repeals and replaces the rule that has been in effect since 1996. Many of the provisions of the old rule are obsolete due to the development of filing electronically and the streamlining of required forms.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None

B. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

None

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2018 Increase/Decrease (use "-")	2019 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

None

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Maureen Lewis -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 153
LEGISLATIVE RULE
SECRETARY OF STATE

SERIES 6
FILING AND FORMATTING RULES AND RELATED DOCUMENTS
AND OTHER DOCUMENTS FOR PUBLICATION IN THE STATE REGISTER

§153-6-1. General.

1.1. Scope. -- This legislative rule establishes the processes for filing and formatting legislative, legislative-exempt, procedural, interpretive, emergency rules and related documents in the Secretary of States office, and processes for filing other documents for publication in the State Register.

1.2. Authority. -- W. Va. Code §§29A-2-6(c), 29A-2-7 et. seq.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon the expiration of ten years from its effective date.

1.6. Repeal and Replace. -- This legislative rule repeals and replaces WV 153CSR6 Standard Size and Format For Rules and Procedures for Publication of the State Register or Parts of the State Register filed March 26, 1996 and effective June 7, 1996.

§153-6-2. Definitions.

2.1. Agency means any state board, commission, department, office or officer authorized by law to make rules or adjudicate contested cases, except those in the legislative or judicial branches (see W. Va. Code §29A-1-2(a)).

2.2. Agency Approved means every legislative rule proposed by an agency, which has completed the public comment period, is approved by the agency and submitted for Legislative review (see W. Va. Code §29A-3-11(a)).

2.3. Agency Head means the cabinet secretary or top administrator for any agency, board, department or rule-making entity who has the authority to grant or withhold written consent to the proposal of any rule on behalf of the agency. Without written consent, no proposal for a rule shall have any force or effect (see W. Va. Code §5F-2-2(12) and (13)).

2.4. CSR means West Virginia Code of State Rules.

2.5. Emergency means any legislative rule filed by an agency finding that the rule must be effective before completing the full Legislative cycle, promulgated in accordance with W. Va. Code §29A-3-15, and promulgation is necessary for the immediate preservation of the public peace, health, safety or welfare is

necessary to comply with a time limitation, established by W. Va. Code or by a federal statute or regulation or to prevent substantial harm to the public interest.

2.6. Interpretive means every rule, adopted by an agency independently of any delegation of legislative power which is intended by the agency to provide information or guidance to the public regarding the agency's interpretations, policy or opinions upon the law enforced or administered by it, and which is not intended by the agency to be determinative of any issue affecting private rights, privileges or interests (see W. Va. Code §29A-1-2(c)).

2.7. Legislative means every rule, proposed by an agency pursuant to W. Va. Code §29A-3 et seq., which has no legal force or effect until promulgated by specific authorization of the legislature (see W. Va. Code §29A-1-2(e)).

2.8. Legislative Exempt means every rule promulgated by an agency or relating to a subject matter that is exempt from the rule-making provisions of W. Va. Code §29A-3-1 et. seq. or any other section of the W. Va. Code (see W. Va. Code §29A-1-2(d)).

2.9. LRMRC means Legislative Rule-Making Review Committee.

2.10. Modified every rule that has been changed to incorporate suggested changes from the Legislative Rule Making Review Committee (LRMRC) with agreement of the agency.

2.11. Notice means a filing for publication in the State Register submitted by an agency proposing to promulgate a rule that includes a request for the submission of evidence to be presented on any factual determinations or inquiries required by law to promulgate such rule (see W. Va. Code §29A-3-5).

2.12. Procedural means every rule which fixes rules of procedure, practice or evidence for dealings with or proceedings before an agency, including forms prescribed by the agency (see W. Va. Code §29A-1-2(h)).

2.13. Proposed means a legislative, interpretive or procedural rule which has not yet become effective (see W. Va. Code §29A-1-2(i)).

2.14. Order means the whole or any part of the final disposition, whether affirmative, negative, injunctive or declaratory in form, by any agency of any matter other than rulemaking (see W. Va. Code §29A-1-2(f)).

§153-6-3. Prior to rule filing.

3.1. An agency and all staff that will be working on a rule filing shall apply individually to be set up in the Secretary of State's eRules application as a user by the procedures explained in Secretary of State procedural rule 153CSR1.

3.2. A Universal Access Account must be created.

3.3. An original electronic rule filing form must be completed, signed, notarized and filed in the Secretary of State's Office.

3.3.1. The agency head will list the specific rules that authority is being granted for.

3.3.2. The agency head will select the level of access being granted.

3.3.3. The agency head will sign the form and have it notarized.

3.4. If an agency has staffing changes including the agency head, a signed statement from the agency must be filed with the Secretary of State's Office in order to change permissions in the eRules application.

3.5. When a rule is uploaded to the correct field in the eRules application, the agency will be prompted for the required information needed for that filing on the document that will generate to be completed and attached by the agency.

3.6. The Secretary of State may exempt an agency from the requirement of electronically filing a rule if it is determined by circumstances either foreseen or unexpected that the filer is without the means to file electronically.

§153-6-4. Required formatting of rules.

4.1. All agencies shall have a title number and each rule a series number assigned by the Secretary of State.

4.2. Margins shall be set at 0.5 inch for the top and bottom, and 1 inch for the left and right.

4.3. Document shall be set at one column.

4.4. Font shall be either Times New Roman or Calibri.

4.5. Text size shall be 11 for the body of the rule.

4.6. All rules shall have a header containing the title and series number of the rule (example 153CSR6).

4.6.1. Header shall be centered on the top of each page.

4.6.2. Header shall be in text size 10 and bolded.

4.7. All rules shall have a footer containing the page number.

4.7.1. Footer shall be centered on the bottom of each page.

4.7.2. Footer shall be in text size 11 and bolded.

4.8. Tabs shall be set at every .25 inch spaces.

4.9. Full justification may be used.

4.10. Every rule shall begin with an introduction that includes the title number, type of rule, name of agency, series number and name of rule.

4.11. Section headings shall contain the title number, series number, section number and name of the section.

4.12. A decimal and alphanumeric outline format shall be used with indentions for breakdowns of rule provisions. Each breakdown will add an indention and either a number or letter. (See table 153-1 in Secretary of State procedural rule 153CSR1).

4.13. Section 1 of every rule shall be called General. This section is reserved for information regarding the circumstances of filing the rule. It shall contain the scope of the rule, the cite authority in W. Va. Code that authorizes the writing of the rule, the filing date, the effective date and all Legislative rules must include the sunset provision.

4.13.1. The scope of the rule shall be contained in 1.1.

4.13.2. The cite authority or authorities shall be contained in 1.2.

4.13.3. The filing date of the promulgated rule shall be contained in 1.3.

4.13.4. The effective date of the promulgated rule shall be contained in 1.4.

4.13.5. Unless specifically exempted, the sunset provision for Legislative rules shall be contained in 1.5.

4.13.6. Repeal and replace information shall be contained in 1.6. when applicable.

4.14. All rules shall be submitted in Word or WordPerfect, unless specifically exempted.

4.15. For a full explanation with examples of proper rule formatting, see Secretary of State procedural rule 153CSR1.

§153-6-5. Underlining, strike-throughs and capitalization.

5.1. Underlining shall indicate language to be added to a rule. There shall be no underlining of text except to indicate new language to be added to a rule series. New series rules may be completely underlined.

5.2. Strike-throughs shall indicate language to be deleted from a rule. Repealed legislative rules shall be completely struck-through. (See W. Va. Code §29A-3-1a(b)).

5.3. Capitalization shall be used only for proper names, the first word in a sentence, abbreviations which are routinely capitalized or as necessary for words defined by the rule. Do not capitalize for emphasis.

§153-6-6. Repeal and replacement.

6.1. Repeal and replace should not be used routinely in rule filing. This shall only be used when an agency is proposing major changes to an existing rule involving the majority of sections.

6.2. An agency may not repeal a rule by reference in another rule.

6.3. Repealing and replacing a rule requires prior approval from LRMRC.

6.3.1. Upon LRMRC approval, a repealer clause shall be added to the General section of the rule as 1.6.

6.3.2. The repealer clause shall state the rule to be repealed by its citation, name, filing date and effective date. (Example: This legislative rule repeals and replaces WV 153CSR999 Documents Filed in the Secretary of State's Office filed April 1, 2011 and effective April 1, 2011.)

6.4. The repealed and replaced rule shall be filed by the processes outlined in this rule with any additional information as determined by LRMRC.

6.5. The repeal of a legislative rule shall complete the full rulemaking process as outlined in this rule.

6.5.1. Upon approval from the Legislature and the signature of the Governor on the authorizing bill, the rule shall be final filed with the Secretary of State's Office.

6.5.2. The final filed rule shall include the header and introduction (see 4.10. of this rule) with all of the struck-through language removed from the rule and replaced with the following language:

6.5.2.a. This rule was repealed by (list the house or senate bill), effective (list the effective date of the bill).

§153-6-7. Incorporation by reference and relevant federal statutes or regulations.

7.1. Documents incorporated by reference and/or any relevant federal statutes or regulations shall be filed at the time the proposed rule is filed.

7.2. The document will be uploaded to the eRules application in the corresponding labeled field and will be available for consideration with all filings during that legislative cycle.

7.3. It is not necessary to file the following documents when they are incorporated by reference:

7.3.1. West Virginia Code.

7.3.2. West Virginia Code of State Rules.

§153-6-8. Filing proposed amendments to an existing series.

8.1. Filing a notice of public comment period.

8.1.1. The agency shall file the full text of all sections of the existing rule regardless of the amount of proposed changes. The notice of public comment period must be included.

8.1.1.a. Comment periods shall be not less than thirty nor more than sixty days. (See W. Va. Code §29A-3-7). Filing on a legislative rule deadline day limits the comment period to thirty days. Time constraints should be considered.

8.1.1.b. The included notice shall fix a date, time and place for the receipt of public comment by written and/or oral statements.

8.1.2. All language to be deleted shall be stricken through, but clearly legible. All the language to be added shall be underlined.

8.1.3. Amendments shall not change the series number of the existing rule unless the change has been approved by the Secretary of State.

8.2. Filing of agency approved legislative rules following a public comment period.

8.2.1. An agency must file an agency approved rule with both the Secretary of State and LRMRC within ninety (90) days following the close of the comment period. If notice of public comment period was filed on the deadline day, the agency approved rule must be filed on the thirtieth day after. When the filing is approved in the Secretary of State's eRule application, LRMRC receives a notification and an electronic copy of the rule including all attached documents. They may choose to accept this as the required filing.

8.2.1.a. If no change has been made to the rule as a result of comments received, the agency shall file with the Secretary of State the notice of agency approval, full text of the rule as finally approved by the agency with changes underlined and struck-through, a copy of all comments received and/or hearing transcript and a response to all of the comments. An agency may consolidate substantially similar comments and responses in the interest of efficiency.

8.2.1.b. If changes have been made as a result of comments received, the agency shall file with the Secretary of State, the notice of agency approval, and full text of the proposed rule with all changes, including those based on comment, underlined and struck-through, as if the previous filing had not occurred. The agency shall also file a summary of changes made as a result of comments received, a copy of all comments received and/or hearing transcript, and a copy of responses to all comments. An agency may consolidate substantially similar comments and responses in the interest of efficiency.

8.3. Final filing legislative exempt, procedural and interpretive agency adopted rules following public comment period.

8.3.1. For those legislative exempt, procedural or interpretive rules filed as agency adopted rules when no change has been made to the rule filed for public comment period, the agency shall file with the Secretary of State a notice of agency adoption, a copy of all comments, responses to comments and full text of the rule. The rule shall be a clean copy with all changes made, and strike throughs and underlines removed. An agency may consolidate substantially similar comments and responses in the interest of efficiency.

8.3.2. If changes have been made, the agency may amend the rule without further public comment provided the amendment does not change the main purpose of the rule. The agency shall file with the Secretary of State a notice of agency adoption, a copy of all comments, responses to comments, a summary of any changes made based on comments and full text of the rule. The rule shall be a clean copy with all changes made, and strike throughs and underlines removed. An agency may consolidate substantially similar comments and responses in the interest of efficiency.

8.3.3. The agency must adopt or withdraw the rule not later than six months after the close of the public comment period. Failure to file a notice constitutes withdrawal.

8.3.4. The agency shall specify an effective date for the rule of at least thirty days after the final filing.

8.4. Filing a technical amendment to a current rule.

8.4.1. A purely technical amendment to a current rule, including correcting addresses, phone numbers, punctuation, spelling, code citations or internal citations, numbering, grammatical errors or changes to language to standardize rule generally without affecting the content of any rule, may file the corrected rule with the Secretary of State's office without the full Legislative process.

8.4.2. The filing shall include a notice of technical amendment to a current rule, a detailed summary of the changes made and every occurrence of changes in the rule in lieu of strike throughs and underlines, and a clean copy of the full text of the rule including the changes.

8.4.3. The corrected rule will show a new filing date.

8.4.3.a. The language in 1.3., filing date, of the corrected rule shall be changed to Technical amendment filed (list the date of filing in the eRules application).

8.4.4. The original effective date of the rule shall not be changed.

8.5. Filing of modifications to legislative rules due to LRMRC recommendations.

8.5.1. The agency shall refile with the Secretary of State and LRMRC the entire rule series with the modifications included.

8.5.1.a. If it is an amendment to an existing rule, it shall contain strike-throughs and underlines.

8.5.1.b. If it is a new rule, it may contain underlines.

8.5.2. This filing shall be within ten (10) days of the date of the LRMRC meeting of which the modifications were approved, unless otherwise specified.

8.5.3. When the filing is approved in the Secretary of State's eRules application, LRMRC receives a notification and an electronic copy of the rule with all attached documents. They may choose to accept this as the required filing.

8.6. Final filing of legislative rules authorized by the legislature.

8.6.1. The agency shall file with the Secretary of State the notice of agency adoption of a legislative rule, after the bill granting legislative approval for the promulgation of the rule is signed by the governor, but not to exceed sixty days after the effective date of the bill.

8.6.2. The agency shall promulgate the rule as authorized by the Legislature.

8.6.3. The agency shall file a clean copy of the rule, incorporating any changes made by the Legislature with strike throughs and underlines removed, with the notice.

8.6.4. The rule shall become effective upon filing in the State Register, or on the effective date fixed by the authorizing act, or a date not to exceed ninety days, as fixed by the agency.

§153-6-9. Filing of a proposed new series rule.

9.1. This section applies to an agency proposing an entirely new series rule which is not an amendment to an existing rule and which requires the assignment of a new series number.

9.2. The agency shall make the request in the Secretary of State's eRules application for a new series number.

9.3. The proposed new series rule shall be designated as either a "legislative rule", legislative exempt rule, "procedural rule" or "interpretive rule".

9.4. During the time the rule is proposed, the filing date and effective date shall be blank in the General section of the rule. These date s will be added upon final filing the rule.

9.5. All of the same filing processes as detailed in section 8 of this rule shall be followed with the exception of any strike-throughs in the rule.

§153-6-10. Filing of emergency rules.

10.1. Any agency with authority to propose legislative rules may find that an emergency exists requiring that an emergency rule be promulgated. (See W. Va. Code §29A-3-15(5)(f)).

10.2. The agency shall file the full text of the emergency rule together with a statement of the facts and circumstances constituting the emergency and a listing of state agencies, professions, businesses and other identifiable interest groups affected by the proposed emergency rule, with the Secretary of State. If it is a Secretary of State rule, it shall be filed with the Attorney General's Office.

10.2.a. If it is an amendment to an existing rule, the filing shall contain strike-throughs and underlines.

10.2.b. If it is a new rule, it shall be noted on the accompanying documents, and may be underlined.

10.3. The emergency rule becomes effective upon the approval of the Secretary of State (or Attorney General as in 10.2. of this rule) or upon the forty-second day following the filing, whichever occurs first.

10.3.1. The agency shall state, with particularity, the circumstances constituting the emergency.

10.3.2. The agency shall file a copy of the emergency rule filing with LRMRC. Upon approval in the Secretary of State's eRules application, LRMRC is notified and receives an electronic copy of the rule with all attached documents. They may choose to accept this as the required filing.

10.4. An emergency rule is effective for not more than fifteen months and expires earlier if:

10.4.1. The Secretary of State (or Attorney General) disapproves the emergency rule pursuant to the guidelines in W. Va. Code §29A-3-15(1).

10.4.2. The agency has not previously filed and fails to file a notice of public comment period on the proposed rule within thirty days of the rule being filed as an emergency rule.

10.4.3. The agency has not previously filed and fails to file the proposed rule as approved by the agency following the close of the public comment period with LRMRC within ninety days of the date the proposed rule was filed as an emergency rule.

10.4.4. The Legislature has authorized or directed promulgation of an authorized legislative rule dealing with substantially similar subject matter.

10.4.5. The Legislature has, by law, disapproved the emergency rule.

10.5. An amendment to an emergency rule shall be filed in the State Register and does not constitute a new emergency rule for the purpose of acquiring additional time or avoiding the expiration dates listed above.

10.6. Once an emergency rule expires, the agency may not refile the same or similar rule as an emergency rule.

10.7. LRMRC may review any emergency rule and may recommend to the agency, the Legislature or the Secretary of State any action it determines appropriate.

§153-6-11. Tables, charts, diagrams, etc.

11.1. When an agency needs to include charts, tables, diagrams or other information which is not in a typical narrative format, the agency shall refer to the table, chart, diagram, etc. within the text of the rule stating the location of the table, chart, diagram, etc. The actual table, chart, diagram, etc. may be attached to the back of the proposed rule or may be uploaded to the Other, Adopted by Reference or Supporting Documents fields in the Secretary of State's eRules application.

11.2. Tables, charts, diagrams, etc. shall be named as "Table", "Chart", "Diagram", etc. followed by the title number and series number of the rule in which they are located. For multiples, a letter beginning with attachment "A" for the first table, chart, diagram, etc.; attachment "B" for the second table, chart, diagram, etc. and so on.

§153-6-12. Sunset provision.

12.1. Any new legislative rule promulgated after April 1, 2016, shall include a sunset provision terminating the rule after five years.

12.2. Any legislative rule existing as of April 1, 2016, upon being amended, shall add a sunset provision setting forth a termination date for the rule.

12.3. The sunset provision shall be included as 1.5. of the General section of all legislative rules using language prescribed by LRMRC.

12.4. The Secretary of State shall provide notice to the promulgating agency at least eighteen months prior to every rule's expiration date.

12.4.1. The Secretary of State shall send notices to the last known email address or mailing address and will make every reasonable attempt to notify the agency's designated or other contact person for each rule.

12.4.2. It is each agency's responsibility to stay compliant with the sunset provision. No agency shall use as an excuse for falling out of compliance that the Secretary of State failed to give notice as prescribed.

§153-6-13. Documents to be included when filing a rule with the Secretary of State.

13.1. When an agency files a legislative, legislative exempt, procedural or interpretive rule for public comment period, the following documents must be included:

13.1.1. The document that populates in the Secretary of State's eRules application when proposed rule is uploaded to the notice field. This document is the Notice of a Public Comment Period on a Proposed Rule. It fixes a date, time and place for the receipt of public comment in the form of oral statements and/or written statements and prompts the agency for the required information about the rule filing found in W. Va. Code §29A-3-5.

13.1.2. Full text of the rule.

13.1.3. Any relevant federal statutes or regulations.

13.1.4. Any document being incorporated by reference in the rule.

13.2. When an agency files a legislative rule as an agency approved rule, the following documents must be included:

13.2.1. The document that populates in the Secretary of State's eRules application when proposed rule is uploaded to the agency approved field. This document is the Notice of Agency Approval of a Proposed Rule and Filing with the Legislative Rule-Making Review Committee. It prompts the agency for the required information about the rule filing found in W. Va. Code §29A-3-11.

13.2.2. Full text of the rule as finally approved by the agency.

13.2.3. All public comments received and transcript of any hearing, if applicable.

13.2.4. All responses by the agency to the comments received including whether or not changes were made to the rule as a result.

13.2.5. Any other information which the committee may request or which may be required by law.

13.3. When an agency files a modified rule following review by LRMRC, the following documents must be included:

13.3.1. The document that populates in the Secretary of State's eRule application when proposed rule is uploaded to the modified file field. This document is the Notice of Rule Modification of a Proposed Rule.

13.3.2. Full text of the rule including any modifications recommended by LRMRC.

13.4. When an agency final files the agency adoption of a legislative exempt, procedural or interpretive rule, the following documents must be included:

13.4.1. The document that populates in the Secretary of State's eRule application when proposed rule is uploaded to the final file field. This document is the Notice of Agency Adoption of a Procedural, Interpretive or Legislative Exempt Rule.

13.4.2. Full text of the rule, including any amendment.

13.4.3. All public comments received and transcript of any hearing, if applicable.

13.4.4. All responses by the agency to the comments received including whether or not changes were made to the rule as a result.

13.5. When an agency final files a legislative rule following approval by the Legislature and Governor's signature on the authorizing bill, the following documents must be included:

13.5.1. The document that populates in the Secretary of State's eRule application when proposed rule is uploaded to the final file field. This document is the Notice of Final Filing and Adoption of a Legislative Rule Authorized by the West Virginia Legislature.

13.5.2. Full text of the rule including any changes, corrections or amendments made by the Legislature.

13.6. When an agency files a rule as an emergency rule or an emergency amendment, the following documents must be included:

13.6.1. The document that populates in the Secretary of State's eRule application when proposed rule is uploaded to the emergency or emergency amendment field. This document is the Notice of Emergency Rule or Notice of an Emergency Amendment. This prompts the agency for the required information about the rule filing found in W. Va. Code §29A-3-15.

13.6.2. Full text of the rule.

13.6.3. A listing of state agencies, professions, businesses and other identifiable interest groups affected by the proposed emergency rule.

§153-6-14. West Virginia Code of State Rules (CSR) and publication of the State Register.

14.1. The CSR and State Register shall be updated and maintained by the Administrative Law Division of the Secretary of State's Office.

14.2. Public access to the CSR and State Register shall be available in electronic format on the Secretary of State's website.

14.3. The State Register shall consist of the following:

14.3.1. Notices of all CSR filings;

14.3.2. Every determination of fact or judgment tendered by an agency;

14.3.3. Executive orders of the Governor;

14.3.4. Every notice of any report or finding of LRMRC and material tendered by the clerk or presiding officer of either house of the Legislature.

14.3.5. Other agency actions or material that an agency desires to make a public record;

14.3.6. Any other document required by law.

14.4. The State Register shall be updated at a minimum of weekly on or before Friday. If Friday falls on a State Holiday, then the Register shall be updated on or before the last day of the work week. If an emergency situation prevents the updating of the Register, it will be done on the first following available work day.

14.5. Any agency with items for inclusion in the State Register shall submit the document to the Administrative Law Division along with any publication requests. If no requests are made, the document will be made available as received in the immediately following update.

14.6. If an agency ceases to exist or its rules have been transferred to another agency by operation of law or by statute, the clerk or presiding officer of the enacting house shall provide the Secretary of State a report of the changes for publication in the State Register and correct adjustment in the Code of State Rules.

14.7. If the authorizing legislative code for a rule is repealed, the clerk or presiding officer of the enacting house shall provide the Secretary of State a report of the agency and code affected for publication in the State Register and correct adjustment in the Code of State Rules.

14.8. All documents submitted for publication in the State Register shall be a public record. It is the responsibility of the submitting agency to redact any confidential information.

TITLE 153
LEGISLATIVE RULE
SECRETARY OF STATE

SERIES 6
STANDARD SIZE AND FORMAT FOR RULES AND
~~PROCEDURES FOR PUBLICATION OF THE STATE REGISTER OR~~
PARTS OF THE STATE REGISTER

~~§153-6-1. General.~~

~~1.1. Scope. — This legislative rule establishes the standard size and format for legislative, procedural and interpretive rules and related documents filed in the Secretary of States office and procedures for publication of documents from the State Register.~~

~~1.2. Authority. — W. Va. Code §§29A-2-6(e) and 29A-2-7(f).~~

~~1.3. Filing Date. — March 26, 1996.~~

~~1.4. Effective Date. — June 7, 1996.~~

~~§153-6-2. Definitions.~~

~~2.1. Agency Approved. — Every rule proposed by an agency and which has completed the public hearing or public comment period, approved by the agency and submitted for Legislative review.~~

~~2.2. Emergency. — Any legislative rule filed by an agency finding that the rule must be effective before completing the full Legislative cycle, promulgated in accordance with W. Va. Code §29A-3-15, and promulgation is necessary for the immediate preservation of the public peace, health, safety or welfare is necessary to comply with a time limitation, established by W. Va. Code or by a federal statute or regulation or to prevent substantial harm to the public interest.~~

~~2.3. Interpretive. — Every rule, adopted by an agency independently of any delegation of legislative power which is intended by the agency to provide information or guidance to the public regarding the agencies interpretations, policy or opinions upon the law enforced or administered by it, and which is not intended by the agency to be determinative of any issue affecting private rights, privileges or interests.~~

~~2.4. Legislative. — Every rule, proposed or promulgated by an agency pursuant to W. Va. Code §29A-3 et seq., which, when promulgated after or pursuant to authorization of the legislature, has (1) the force of law, (2) supplies a basis for the imposition of civil or criminal liability, or (3) grants or denies a specific benefit. Every rule, which, when effective, is determinative on any issue affecting private rights, privileges or interests is a legislative rule. Unless lawfully promulgated as an emergency rule, a legislative rule is only a proposal by the agency and has no legal force or effect until promulgated by specific authorization of the legislature.~~

~~2.5. Legislative Exempt. — Any rule filed that has been given a specific exemption from following the procedures for rulemaking found in W. Va. Code §29A-1-3 or in other sections of the W. Va. Code. Examples of such exemptions are: Board of Probation and Parole, Public Service Commission, Board of~~

~~Public Works, or Secondary Schools Activities Commission. Also exempt are rules relating to or contested cases involving the conduct of inmates or other persons admitted to public institutions, open seasons and the bag, creel, size, age, weight and sex limits with respect to the wildlife in this state, the conduct of persons in military service or the receipt of public assistance.~~

~~2.6. Modified. — Every rule that has been changed to incorporate suggested changes from the Legislative Rule Making Review Committee (LRMRC) with agreement of the agency.~~

~~2.7. Procedural. — Every rule which fixes rules of procedure, practice or evidence for dealings with or proceedings before an agency, including forms prescribed by the agency.~~

~~§153-6-3. Standard Size Of Rules And Related Documents.~~

~~3.1. All rules and related documents shall be typed on white 8 ½ inch by 11 inch paper, single spaced and either on one (1) side or double sided, but not a combination of both, unless specifically exempted by this rule.~~

~~3.2. All rules shall have at least ½ inch on the left, right, top and bottom margins surrounding the text unless specifically exempted by this rule.~~

~~§153-6-4. Forms and Other Documents.~~

~~The following forms are to be included when an agency files a rule with the Secretary of State, unless specifically exempted by another section of this rule. (All forms are at the end of this rule.)~~

~~4.1. When an agency files a legislative, procedural or interpretive rule for public hearing or public comment period, the following documents must be included:~~

~~4.1.a. Form 1 — Notice of public hearing on a proposed rule. This form is used if the agency wants to hold a public hearing or if the agency wants to hold a public hearing and comment period.~~

~~4.1.b. Form 2 — Notice of comment period on a proposed rule. This form may be used if the agency wants only to have a public comment period.~~

~~4.1.c. Brief summary of the rule;~~

~~4.1.d. Statement of circumstances which require the proposed rule;~~

~~4.1.e. Appendix B — Fiscal note and~~

~~4.1.f. The signature of the cabinet secretary or department head of those agencies not covered by a cabinet secretary on the notice of public hearing or comment period or a letter authorizing filing of the rule.~~

~~4.2. When an agency files a legislative rule as an agency approved rule, the following documents must be included:~~

~~4.2.a. Form 3 — Notice of agency approval of proposed rule and filing with the LRMRC;~~

- ~~4.2.b. Brief summary of the rule;~~
- ~~4.2.c. Statement of circumstances which require the proposed rule;~~
- ~~4.2.d. Appendix B — Fiscal note;~~
- ~~4.2.e. LRMRC questionnaire signed and with contact persons name, address and telephone number clearly typed or printed;~~
- ~~4.2.f. The signature of the cabinet secretary or the department head of those agencies not covered by a cabinet secretary on the notice of agency approval or a letter authorizing filing of the rule.~~
- ~~4.2.g. The entire rule;~~
- ~~4.2.h. Transcript of hearing, if applicable, and a copy of all written comments and~~
- ~~4.2.i. Response to the comments.~~
- ~~4.3. When an agency files a modified rule following review by LRMRC, the following documents must be included:~~
 - ~~4.3.a. Form 4 — Notice of modification of a proposed rule;~~
 - ~~4.3.b. Either the signature of the cabinet secretary or department head (of those agencies not covered by a cabinet secretary) on the notice of rule modification or a letter authorizing filing of the rule and~~
 - ~~4.3.c. The rule as approved by LRMRC.~~
- ~~4.4. When an agency files a agency adoption of a procedural or interpretive rule, the following documents must be included:~~
 - ~~4.4.a. Form 5 — Notice of agency adoption of a procedural or interpretive rule or a legislative rule exempt from legislative review;~~
 - ~~4.4.b. The signature of the cabinet secretary or the department head of those agencies not covered by a cabinet secretary on the notice of agency adoption or a letter authorizing filing of the rule;~~
 - ~~4.4.c. If changes were made because of the comments received, the entire rule;~~
 - ~~4.4.d. Transcript of hearing, if applicable, and a copy of all written comments;~~
 - ~~4.4.e. Response to the comments, and~~
 - ~~4.4.f. Electronic filing of the rule. (See section 14 of this rule.)~~
- ~~4.5. When an agency files a legislative exempt rule, the following documents must be included:~~
 - ~~4.5.a. Form 5 — Notice of agency adoption of a procedural or interpretive rule or a legislative rule~~

~~exempt from legislative review;~~

~~4.5.b. Brief summary of the rule;~~

~~4.5.c. Statement of circumstances which required the proposed rule;~~

~~4.5.d. Appendix B — Fiscal note;~~

~~4.5.e. The signature of the cabinet secretary or the department head of those agencies not covered by a cabinet secretary on the notice of agency adoption or a letter authorizing filing of the rule and~~

~~4.5.f. Electronic filing of the rule. (See section 14 of this rule.)~~

~~4.6. When an agency final files a legislative rule following approval by the Legislature, the following documents must be included:~~

~~4.6.a. Form 6 — Notice of final filing and adoption of a legislative rule authorized by the West Virginia Legislature;~~

~~4.6.b. Promulgation history;~~

~~4.6.c. The signature of the cabinet secretary or the department head of those agencies not covered by a cabinet secretary on the notice of agency adoption or a letter authorizing filing of the rule and~~

~~4.6.d. Electronic filing of the rule. (See section 14 of this rule.)~~

~~4.7. When an agency files a rule as an emergency rule or an emergency amendment, the following documents must be included:~~

~~4.7.a. Form 7 — Notice of an emergency rule, or~~

~~4.7.b. Form 8 — Notice of an emergency amendment to an emergency rule;~~

~~4.7.c. Brief summary of the rule;~~

~~4.7.d. Specific statement of circumstances which require the rule to be filed as an emergency;~~

~~4.7.e. Appendix B — Fiscal note;~~

~~4.7.f. LRMRC questionnaire signed by the contact person with their name, address and telephone number clearly typed or printed and~~

~~4.7.g. The signature of the cabinet secretary or the department head of those agencies not covered by a cabinet secretary on the notice of emergency rule or emergency amendment or a letter authorizing filing of the rule.~~

~~§153-6-5. Numbering And Indentation.~~

~~5.1. All agencies shall have a title number assigned by the Secretary of State.~~

~~5.2. All rules of an agency shall have a series number assigned by the Secretary of State.~~

~~5.3. Text breakdowns shall be found in Table 153-6A at the end of this rule. All new series rules and repealed and replaced rules shall follow this breakdown. When filing amendments to existing series, the agency shall retype the entire series and utilize this breakdown.~~

~~5.4. Section headings shall contain the title number, series number, section number and name of the section. (Example: §153-6-4. Numbering and indentation.)~~

~~5.5. Subsections shall contain the section number and subsection number. (Example 4.5 or 4.6 etc.)~~

~~5.6. Breakdowns below the subsection level shall contain only the number or letter for the appropriate level as required by subsection 4.3 of this rule.~~

~~5.7. Each breakdown shall be indented from the preceding level on the first line, but shall be carried back to the left margin for the second and succeeding lines of text.~~

~~§153-6-6. Underlining, Strike Throughs And Capitalization.~~

~~6.1. There shall be no underlining of text except to indicate new language to be added to an existing series.~~

~~6.2. Underlining shall indicate language to be added to a rule.~~

~~6.3. Strike throughs shall indicate language to be deleted from a rule.~~

~~6.4. There shall be no capitalization except for proper names, the first word in a sentence or abbreviations which are routinely capitalized. When there is a doubt, words should not be capitalized. Do not capitalize for emphasis.~~

~~§153-6-7. Repeal And Replacement.~~

~~7.1. When an agency is proposing major changes to an existing rule involving the majority of sections, the agency may wish to repeal the existing rule in its entirety and replace the rule as a new rule. In this case the agency shall file the proposed rule without underlining and strike throughs, if the agency includes in the general section a repealer clause.~~

~~7.2. The repealer clause shall be in the general section. It shall state that the prior rule is to be repealed and replaced. It shall state the rule to be repealed by its citation, name, filing date and effective date.~~

~~7.2.a. Example: — 1.5. Repeal of former rule. — This legislative rule repeals and replaces WV 153CSR6 "Standard Size and Format for Rules and Related Documents Filed in the Secretary of States Office" filed April 1, 1988 and effective April 1, 1988.~~

~~7.3. If the agency does not include a repealer cause, then the agency shall include underlining and strike throughs to indicate language changes.~~

~~7.4. The procedure and format for filing a repealed and replaced rule shall be the same as those for a~~

~~new series rule as required under section 9 of this rule.~~

~~§153-6-8. Incorporation By Reference.~~

~~8.1. Documents incorporated by reference shall be filed at the time the proposed rule is filed.~~

~~8.2. When incorporating by reference, the document shall be identified its proper title, proper citation, date and any other information needed to clearly identify the document to be incorporated.~~

~~8.3. It is not necessary to file the following documents when they are incorporated by reference:~~

~~8.3.a. West Virginia Code; and~~

~~8.3.b. West Virginia Code of State Rules~~

~~§153-6-9. Filing Proposed Amendments To An Existing Series.~~

~~9.1. Filing for public hearing or comment period.~~

~~9.1.a. The agency shall file with the Secretary of State the entire existing rule series regardless of the amount of proposed changes. The notice for public hearing or comment period must be attached.~~

~~9.1.b. All language to be deleted shall be stricken through, but clearly legible. All the language to be added shall be underlined.~~

~~9.1.c. Amendments shall not change the series number of the existing rule unless the change has been approved by the Secretary of State.~~

~~9.2. Filing of agency approved legislative rules following a public hearing or comment period.~~

~~9.2.a. An agency must file an agency approved rule with both the Secretary of State and LRMRC within ninety (90) days following public hearing or comment period.~~

~~9.2.b. If no change has been made to the rule filed for a public hearing or comment period, the agency shall file with the Secretary of State the notice of agency approval, a copy of the entire proposed rule with changes underlined and struck through, a copy of all comments received and a response to all of the comments. When several comments are of a similar nature, one response to the comments is sufficient. The entire rule series with all attachments shall be filed with the LRMRC.~~

~~9.2.c. If changes have been made, the agency shall file with the Secretary of State the notice of agency approval, include the changes and refile the entire proposed series with changes underlined and struck through, as if the previous filing had not occurred. The agency shall also file a summary of changes made as a result of the public hearing, a copy of all comments received, and a brief response to all comments. When several comments are of a similar nature, one response to the comments is sufficient. The entire rule series with all attachments shall be filed with LRMRC.~~

~~9.3. Filing legislative exempt, procedural and interpretive agency adopted rules following public hearing or comment period.~~

~~9.3.a. For those procedural or interpretive rules filed as agency adopted rules when no change has been made to the rule filed for public hearing or comment period, the agency shall file with the Secretary of State a notice of agency adoption, a promulgation history, a copy of all comments, and a response to all comments and a copy of the rule electronically. (See section 14 of this rule.) When several comments are of a similar nature, one response to the comments is sufficient.~~

~~9.3.b. If changes have been made, the agency shall file with the Secretary of State a notice of agency adoption, include the changes and refile the entire proposed changes with underlining and strike-throughs as if the previous filing had not occurred. The agency shall also file a summary of changes made as a result of the public hearing, a copy of all comments received, as well as a brief response to all comments and a copy of the rule electronically. (See section 14 of this rule.) When several comments are of a similar nature, one response to such comments will suffice.~~

~~9.3.c. For those agencies or rules exempt from the Administrative Procedures Act (§29A-1-3) and whose filing with the Secretary of State of an agency adopted rule represents the first and only filing of changes to an existing series, the agency shall include all necessary underlining and strike-throughs to indicate language to be deleted and language to be added. The agency shall also file the rule electronically. (See section 14 of this rule.)~~

~~9.4. Filing of modifications to legislative rules due to LRMRC objections.~~

~~9.4.a. The agency shall refile with the Secretary of State and LRMRC the entire series rule with the modifications included.~~

~~9.4.b. This filing shall be within ten (10) days of the date of the LRMRC meeting of which the modifications were approved.~~

~~9.5. Final filing of legislative rules authorized by the legislature.~~

~~9.5.a. The agency shall file the notice of agency adoption, a promulgation history and also file the rule electronically. (See section 14 of this rule.) The Secretary of State shall produce the final rule from the last filing, with underlinings and strike-throughs, and any legislative amendments within the enrolled bill of authorization.~~

~~9.5.b. The final rule as produced by the Secretary of State shall be sent to the agency for review and proofing. The agency has to ten (10) working days to review the final rule and return any corrections or a statement confirming the accuracy of the final rule.~~

~~9.5.c. Following confirmation or corrections, as the case may be, the Secretary of State shall final file the proposed rule and include it in the official West Virginia Code of State Rules.~~

~~9.5.d. The official rule is the rule authorized by the Legislature, produced by the Secretary of State, confirmed by the agency and filed in the West Virginia Code of State Rules.~~

~~§153-6-10. Filing Of A Proposed New Series Rule.~~

~~10.1. This section applies to an agency proposing an entirely new series rule which is not an amendment to an existing rule and which requires the assignment of a new series number.~~

~~10.2. The proposed new series rule shall be designated as either a "legislative rule", "procedural rule" or "interpretive rule".~~

~~10.3. All proposed new series shall contain a section one "General" which shall include the following subsections 1.1. Scope, 1.2. Authority, 1.3. Filing Date, and 1.4. Effective date. During the time the rule is proposed, the filing date and effective date shall be blank.~~

~~10.4. Filing for public hearing or comment period.~~

~~10.4.a. The agency shall file with the Secretary of State the entire proposed new series rule. There will, of course, be no strike-throughs or underlining. The notice for public hearing or comment period must be attached.~~

~~10.5. Filing of an agency approved legislative rule following public hearing or comment period.~~

~~10.5.a. An agency must file with the Secretary of State and with LRMRC an agency approved rule within ninety (90) days following public hearing or comment period.~~

~~10.5.b. If no changes have been made to the rule filed for public hearing or comment period, the agency shall file with the Secretary of State the notice of agency approval, a copy of the entire proposed rule with changes, a copy of all comments received and a response to all of the comments. When several comments are of a similar nature, one response to the comments is sufficient. The entire series with all attachments shall be filed with the LRMRC.~~

~~10.5.c. If changes have been made to the rule, the agency shall file with the Secretary of State the notice of agency approval, and refile the entire proposed series with changes included, but without underlines and strike-throughs. The agency shall also file a summary of changes made as a result of the public hearing, a copy of all comments received and a brief response to all comments. When several comments are of a similar nature, one response to the comments is sufficient. The entire rule series with all attachments shall be filed with LRMRC.~~

~~10.6. Filing legislative exempt, procedural and interpretive agency adopted rules following public hearing or comment period.~~

~~10.6.a. For those procedural or interpretive rules filed as agency adopted rules when no change has been made to the rule filed for public hearing or comment period, the agency shall file with the Secretary of State a notice of agency adoption, a promulgation history, a copy of all comments, and a response to all comments and a copy of the rule electronically. (See section 14 of this rule.) When several comments are of a similar nature, one response to the comments is sufficient.~~

~~10.6.b. If changes have been made, the agency shall file with the Secretary of State a notice of agency adoption and refile the entire proposed rule without underlining and strike-throughs as if the previous filing had not occurred. The agency shall also file a summary of changes made as a result of the public hearing, a copy of all comments received, as well as a brief response to all comments and a copy of the rule electronically. (See section 14 of this rule.) When several comments are of a similar nature, one response to such comments will suffice.~~

~~10.6.c. For those agencies or rules exempt from Administrative Procedures Act (§29A-1-3), and whose filing of an agency adopted rule represents the first and only filing, the agency shall file with the~~

~~Secretary of State the entire series, without underlining and strike throughs and a copy of the rule electronically. (See section 14 of this rule.)~~

~~10.7. Filing of modification to legislative rules due to LRMRC objections.~~

~~10.7.a. The agency shall refile the entire series rule with the Secretary of State and with LRMRC with the modifications included.~~

~~10.7.b. This filing shall be within ten (10) days of the date of the LRMRC meeting at which the modifications were approved.~~

~~10.8. Final filing of legislative rules authorized by the Legislature.~~

~~10.8.a. The agency shall file with the Secretary of State the notice of agency adoption, a promulgation history and a copy of the rule electronically. (See section 14 of this rule.) The Secretary of State shall produce the final rule from the last filing, with underlining and strike throughs, and any legislative amendments within the enrolled bill of authorization.~~

~~10.8.b. The final rule as produced by the Secretary of State shall be sent to the agency for review and proofing. The agency has up to ten (10) working days to review the final rule and return any corrections or a statement of confirmation.~~

~~10.8.c. Following confirmation or corrections, as the case may be, the Secretary of State shall final file the proposed rule and include it in the official West Virginia Code of State Rules.~~

~~10.8.d. The official rule shall be the rule authorized by the legislature, produced by the Secretary of State, confirmed by the agency and filed in the West Virginia Code of State Rules.~~

~~§153-6-11. Filing Of Emergency Rules.~~

~~11.1. Filing amendments to an existing series as an emergency rule.~~

~~11.1.a. The agency shall utilize strike-throughs and underlining to indicate amendments.~~

~~11.1.b. The agency shall attach the proper notice.~~

~~11.2. Filing a new series rule as an emergency rule.~~

~~11.2.a. The agency shall file the entire rule with proper notice.~~

~~11.3. Filing of amendments to an emergency rule.~~

~~11.3.a. When amending an emergency rule which was initially filed as amendments to an existing series as in subsection 11.1, the agency shall include the new amendments and refile the entire proposal with underlining and strike-throughs, as if the previous filing had not occurred. This will not result in any added time to the lifespan of the initially filed emergency rule.~~

~~11.3.b. When amending an emergency rule which was initially filed as a new series rule, the agency shall include the amendments with underlining and strike-throughs and refile the entire proposal, as if the~~

previous filing had not occurred. This will not result in any additional time to the lifespan of the initially filed emergency rule.

~~§153-6-12. Tables, Charts, Diagrams, Etc.~~

~~12.1. When an agency needs to include charts, tables, diagrams or other information which is not in a typical narrative format, the agency shall refer to the table, chart, diagram, etc. within the text at the location the table, chart, diagram, etc. is to be located, but the actual table, chart, diagram, etc. will be attached to the back of the proposal. An example of this can be found in this rule in subsection 4.4.~~

~~12.2. Tables, charts, diagrams, etc. shall be named as "Table", "Chart", "Diagram", etc. followed by the title number and series number of the rule in which they are located and a letter beginning with "A" for the first table, chart, diagram, etc.; "B" for the second table, chart, diagram, etc. and so on.~~

~~12.3. Exceptions may be made by the Secretary of State for tables, charts, diagrams, etc. which can be reproduced and fit into the double column format.~~

~~§153-6-13. Effective Dates.~~

~~13.1. The effective date of the series found in the general section shall be the date the rule was initially adopted or the date of the last change to the series, whichever is latest.~~

~~13.1.1. The effective date of the general section shall remain unless the rule is repealed and replaced utilizing a repealer clause. In that case, the effective date in the general section shall be the date the replacement rule becomes effective.~~

~~13.1.2. Effective dates for amendments to sections of an existing rule shall be noted in parenthesis at the section heading of the section amended. This will allow the user to historically follow amendments to sections.~~

~~§153-6-14. Electronic Filing.~~

~~14.1. An agency must file the rule in an electronic format, following all formatting rules of the Secretary of State unless given specific written exemption from the Secretary of State.~~

~~14.1.a. If an agency subscribes to the Legislative Computer System (Edgar), the rule may be electronically transferred.~~

~~14.1.b. If an agency does not subscribe to Edgar, the rule must be filed on a high density diskette in a WordPerfect or WordPerfect compatible format.~~

~~14.1.b.1. The electronic copy must have all underlinings and stricken through language removed.~~

~~14.1.b.2. The electronic copy must not have any headers or footers either set up through the format or typed on individual pages.~~

~~14.2. If an agency does not comply with the formatting as specified by the Secretary of State, the electronic version will be refused and sent back for correction to the agency.~~

~~§153-6-15. Publication Of Materials From The State Register.~~

~~15.1. The State Register shall be established and maintained by the Administrative Law Division of the Secretary of State.~~

~~15.2. The State Register shall consist of the following parts:~~

~~15.2.a. The West Virginia Code of State Rules;~~

~~15.2.b. The West Virginia Register;~~

~~15.2.c. The Open Meeting File;~~

~~15.2.d. The Orders File;~~

~~15.2.e. Other Agency Action File; and~~

~~15.2.f. The Obsolete File~~

~~15.3. The West Virginia Code of State Rules (WVCSR).~~

~~15.3.a. The WVCSR is the official compilation of state agency rules currently in effect, excluding emergency rules.~~

~~15.3.b. The Secretary of State shall supplement the WVCSR monthly with any changes to the current rules filed during the previous month. The full text of the particular series, whether new or amended, shall be sent to subscribers of the WVCSR. Emergency rules shall be cited as being filed, but the text of emergency rules shall not be a part of the monthly supplement.~~

~~15.3.c. The Secretary of State may contract for publication and maintenance of the WVCSR, or parts thereof, but the Secretary of State is responsible for the codification and validity of all state agency regulations filed by state agencies for inclusion in the WVCSR.~~

~~15.3.d. The Secretary of State may offer parts of the WVCSR with a supplement service.~~

~~15.3.e. The WVCSR shall be a looseleaf publication available at a cost established by the Secretary of State to defray the expense of publication and supplements.~~

~~15.3.f. Parts of the WVCSR may be available through duplication or other means at a cost to defray the expense to the Secretary of State.~~

~~15.4. The West Virginia Register (WVR).~~

~~15.4.a. The WVR is a weekly publication of notices and other announcements filed with the Secretary of State relating to rule-making, open meetings, orders and other actions by state agencies.~~

~~15.4.b. The WVR shall be distributed by annual subscription at a cost established by the Secretary of State to defray the expense of production and delivery.~~

~~15.5. The Open Meetings File.~~

~~15.5.a. The Open Meetings File consists of notices filed by agencies with the Secretary of State for open governmental proceedings under W. Va. Code, §6-9A-3.~~

~~15.5.b. Notices which are filed and found to be in violation of the notice requirements of W. Va. Code, §6-9A-3 shall be published, but shall indicate noncompliance. A copy of this finding and the reasons for noncompliance shall be sent to the agency affected.~~

~~15.6. The Orders File.~~

~~15.6.a. The Orders File consists of Orders issued by state agencies following contested case hearings and required to be filed with the Secretary of State pursuant to W. Va. Code, §29A-9-2.~~

~~15.7. Other Agency Action File.~~

~~15.7.a. The Other Agency Action File consists of all other information required to be filed with the Secretary of State by statute, rule or agency directive or practice. Notice of the filings shall be included in the WVR.~~

~~15.8. Obsolete File.~~

~~15.8.a. The Obsolete File shall consist of obsolete rules of state agencies. The Secretary of State is responsible for certifying the time period during which obsolete rules were in effect.~~

~~TABLE 153-6 A~~

TEXT BREAKDOWN

~~153 CSR TITLE~~

~~153 CSR-6 SERIES~~

~~153 CSR-6-1. SECTION~~

~~153 CSR-6-1.1. SUBSECTION~~

~~153 CSR-6-1.1.a. SUBDIVISION~~

~~153 CSR-6-1.1.a.1. PARAGRAPH~~

~~153 CSR-6-1.1.a.1.A. SUBPARAGRAPH~~

~~153 CSR-6-1.1.a.1.A.1. PART~~

~~153 CSR-6-1.1.a.1.A.1.(a) SUBPART~~

~~153 CSR-6-1.1.a.1.A.1.(a)(1) ITEM~~

~~153 CSR-6-1.1.a.1.A.1.(a)(1)(A) SUBITEM~~